

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

|                              |   |                                 |
|------------------------------|---|---------------------------------|
| <b>BRANDON JAMES LONG,</b>   | ) |                                 |
|                              | ) |                                 |
| <b>Plaintiff,</b>            | ) |                                 |
|                              | ) |                                 |
| <b>v.</b>                    | ) | <b>Case No. 18-3189-HLT-GEB</b> |
|                              | ) |                                 |
| <b>SONYA LATZKE, et al.,</b> | ) |                                 |
|                              | ) |                                 |
| <b>Defendants.</b>           | ) |                                 |
| _____                        | ) |                                 |

**ORDER**

This matter is before the court on Defendants Sonya Latzke and John Coleton (“KDOC Defendants”)’s Motion to Stay Discovery and Related Rule 26 Activities (**ECF No. 35**). The KDOC Defendants filed the motion on July 14, 2020, making any response to the motion due July 28, 2020. No response in opposition has been filed. Therefore, the motion is uncontested and may be granted without further notice pursuant to D. Kan. Rule 7.4.

Additionally, in its discretion, the Court finds stay appropriate in this matter. The KDOC Defendants filed a motion to dismiss, or in the alternative, for summary judgment (Motion, ECF No. 32). Because a government defendant has raised an immunity defense; the case will potentially be concluded as a result of the dispositive motion; discovery would not affect the resolution of the dispositive motion; and discovery on the broad complaint would be wasteful and burdensome, the Court finds the balance of factors weigh in favor

of stay.<sup>1</sup>

**IT IS THEREFORE ORDERED** that Defendants Sonya Latzke and John Coleton's Motion to Stay Discovery and Related Rule 26 Activities (**ECF No. 35**) is **GRANTED**. Further scheduling under Fed. R. Civ. P. 16 and 26 are stayed pending resolution of the dispositive motion (ECF No. 32). In the event this matter survives the dispositive motion, the undersigned will promptly set the matter for scheduling.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas this 29th day of October 2020.

s/ Gwynne E. Birzer  
GWYNNE E. BIRZER  
United States Magistrate Judge

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<sup>1</sup> See *Accountable Health Sols.*, 2016 WL 4761839, at \*1 (citing *Wolf v. United States*, 157 F.R.D. 494, 495 (D. Kan. 1994)) (discussing instances when it is appropriate to stay discovery).